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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,) No. 3-12-71126-MAG
14 Plaintiff,) [PROPOSED] ORDER AND
15 v.) STIPULATION FOR CONTINUANCE
16 LEONCIO GONZALEZ-BARRAGAN,) FROM NOVEMBER 30, 2012 TO
17 Defendant.) JANUARY 16, 2013 AND EXCLUDING
TIME FROM THE SPEEDY TRIAL ACT
CALCULATION (18 U.S.C. §
3161(h)(8)(A)) AND WAIVING TIME
LIMITS UNDER RULE 5.1

18
19 With the agreement of the parties, and with the consent of the defendant, the Court enters
20 this order scheduling an arraignment or preliminary hearing date of January 16, 2013 at 9:30 a.m.
21 before the duty magistrate judge, and documenting the defendant's waiver of the preliminary
22 hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time under the
23 Speedy Trial Act, 18 U.S.C. § 3161(b), from November 30, 2012 to January 16, 2013. The
24 parties agree, and the Court finds and holds, as follows:

- 25 1. The defendant is currently in custody.
26 2. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C.
27 § 3161(h)(8)(B)(iv) to provide reasonable time necessary for effective preparation, taking into
28 account the exercise of due diligence. The government is producing discovery in the case and

1 defense counsel needs time to review the discovery.

2 3. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for
3 preliminary hearing.

4 4. Counsel for the defense believes that postponing the preliminary hearing is in his
5 client's best interest, and that it is not in his client's interest for the United States to indict the
6 case during the normal 14-day timeline established in Rule 5.1.

7 5. The Court finds that, taking into the account the public interest in the prompt
8 disposition of criminal cases, these grounds are good cause for extending the time limits for a
9 preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances,
10 the Court finds that the ends of justice served by excluding the period from November 30, 2012
11 to January 16, 2013 outweigh the best interest of the public and the defendant in a speedy trial.
12 18 U.S.C. § 3161(h)(8)(A).

13 6. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary
14 hearing date before the duty magistrate judge on January 16, 2013, at 9:30 a.m., and (2) orders
15 that the period from November 30, 2012 to January 16, 2013, be excluded from the time period
16 for preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial
17 Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

18
19 IT IS SO STIPULATED:

20
21 DATED: November 27, 2012

/s _____
PHIL SCHNAYERSON
Attorney for Defendant

22
23 DATED: November 27, 2012

/s _____
AARON D. WEGNER
Assistant United States Attorney

24 IT IS SO ORDERED.

25
26 DATED: November 29, 2012


HON. LAUREL BEELER
United States Magistrate Judge